

2010-01-01

## Booklet of Selected Theses from the MA in Criminology, MA in Law, and MA in Child, Family and Community Studies 2007- 2009.

Kevin Lalor

*Technological University Dublin, [kevin.lalor@tudublin.ie](mailto:kevin.lalor@tudublin.ie)*

Claire Hamilton

*Technological University Dublin, [claire.hamilton@tudublin.ie](mailto:claire.hamilton@tudublin.ie)*

Fergus Ryan

*Technological University Dublin, [fergus.ryan@tudublin.ie](mailto:fergus.ryan@tudublin.ie)*

Brian McCarthy

*Technological University Dublin, [brian.mccarthy@tudublin.ie](mailto:brian.mccarthy@tudublin.ie)*

Follow this and additional works at: <https://arrow.tudublin.ie/aaschssldis>

 Part of the [Social and Behavioral Sciences Commons](#)

---

### Recommended Citation

Lalor, Kevin; Hamilton, Claire; Ryan, Fergus; and McCarthy, Brian, "Booklet of Selected Theses from the MA in Criminology, MA in Law, and MA in Child, Family and Community Studies 2007- 2009." (2010).

*Dissertations. 24.*

<https://arrow.tudublin.ie/aaschssldis/24>

This Other is brought to you for free and open access by the Social Sciences at ARROW@TU Dublin. It has been accepted for inclusion in Dissertations by an authorized administrator of ARROW@TU Dublin. For more information, please contact [yvonne.desmond@tudublin.ie](mailto:yvonne.desmond@tudublin.ie), [arrow.admin@tudublin.ie](mailto:arrow.admin@tudublin.ie), [brian.widdis@tudublin.ie](mailto:brian.widdis@tudublin.ie).



This work is licensed under a [Creative Commons Attribution-Noncommercial-Share Alike 3.0 License](#)



# **New Irish Research in Criminology, Law & Child, Family and Community Studies**

**School of Social Sciences and Law 2010**







<b>Introduction</b>	1
<b>Lynsey Black</b> , MA Criminology Paper women: The representation of female offenders in Irish newspapers	2
<b>Niamh Feeney</b> , MA Criminology What do young people think of the Gardaí? An examination of young people's attitudes toward and experiences of the Gardaí	3
<b>Brendan Marsh</b> , MA Criminology A decade of desistance: An exploratory study in desistance theory	4
<b>Goretti Sheridan</b> , MA Criminology Does gender impact on career progression in An Garda Síochána?	5
<b>Louise Brangan</b> , MA Criminology Thornton Hall: A policy analysis. Uncaring or unthinking?	6
<b>Liz Davey</b> , MA Criminology Organised crime in Ireland: A policy analysis of the introduction of organised crime to the Irish statute book	7
<b>Clare Geaney</b> , MA Criminology That's life: An examination of the direct consequences of life-sentence imprisonment for adult males within the Irish prison system	8
<b>Kevin Scott</b> , MA Criminology A study of anti-social behaviour on Dublin bus routes	9
<b>Michelle Richardson</b> , MA Criminology Risky business: An examination of probation officers' attitudes towards risk assessment	10
<b>Robin Maginn</b> , MA Criminology A march of moral panic: An examination of reaction to crime in Ireland in March 2006	11
<b>Bridget Kelleher</b> , MA Law Medical negligence and MRSA claims: Is the law of tort efficient enough?	12
<b>Katie McDermott</b> , MA Law The significance of the implied mutual duty of trust and confidence in the employment relationship	13
<b>Kathleen O'Dwyer</b> , MA Law Adverse possession	14
<b>Angel Fahy</b> , MA Law Confidential sources and contempt of court: An argument for change	15
<b>Eamonn Foley</b> , MA Law Statutory restrictions on initiating judicial review proceedings in the asylum context	16

<b>Oliver Fitzgerald</b> , MA in Law The Constitutional Protection of Children in Ireland – An Analysis of the Status Quo and Proposals for Reform	17
<b>Emma Byrne McNamee</b> , MA Child, Family & Community Studies Children as victims, children as clients: Towards a framework of best practice in services for children who experience domestic violence	18
<b>Noelle Rooney</b> , MA Child, Family & Community Studies Art therapy and drama therapy in primary school	19
<b>Catherine Hanly</b> , MA Child, Family & Community Studies An exploration of managers' practices in, and attitudes towards, staff vetting in children's residential centres	20
<b>Shirine Beausang</b> , MA Child, Family & Community Studies Migrant-led organisations and their communities: Participation	21
<b>Jean Kelly</b> , MA Child, Family & Community Studies An exploration of continuing professional development for early years workers with FETAC level 5 & 6 qualifications	22
<b>Sarah Simmons</b> , MA Child, Family & Community Studies Adaptation to college and individuation-attachment: a review of first year students in contemporary Ireland	23
<b>Maureen Foley</b> , MA Child, Family & Community Studies An evaluation of the role of Senior Traveller Training Centres	24
<b>Jennifer Cann</b> , MA Child, Family & Community Studies "Cervical Screening": A study on the prevalence of the risk-factors for developing cervical cancer among young women	25
<b>Sandra O'Neill</b> , MA Child, Family & Community Studies Síolta: The national quality framework for early childhood education: A teachers' perspective	26

This booklet highlights and celebrates the research work of graduates from the three taught MA programmes in the School of Social Sciences and Law:

- the MA in Criminology
- the MA in Law and
- the MA in Child, Family and Community Studies.

All are relatively new programmes; the MA in Criminology and the MA in Law commenced in 2006 and the MA in Child, Family and Community Studies commenced in 2007.

Contained herein are the abstracts of selected theses from each of the three programmes, some details on the researchers and information on where to find the full text of each thesis (many of which are available online at Arrow, DIT's research repository).

Each of these theses has been judged to be at the highest academic standard. We hope that highlighting the work in this way will bring it to the attention of researchers, policy makers and decision makers across the broad domains of criminology, law and child, family and community studies.

Having online access to full thesis text will be of considerable value to other researchers, to our current cohort of students and to prospective students on these three MA programmes. We are also hopeful that highlighting graduates' work in this way may encourage them to further develop their work for publication in peer review journals.

We would like to thank the following colleagues for help in producing this booklet. Jill O'Callaghan for design, Kevin O'Byrne for printing, Grainne O'Rourke for editing, Joanne Boyle for typing and formatting and Ralph Murphy for uploading of theses to Arrow.

Finally, we would like to acknowledge the commitment and dedication to academic rigour of the thesis supervisors and all lecturing staff on these three programmes, and the support of the Institute in developing them.

Dr Kevin Lalor, Head of School of Social Sciences and Law (acting)  
Claire Hamilton, Programme Chair, MA in Criminology  
Dr Fergus Ryan, Programme Chair, MA in Law  
Dr Brian McCarthy, Programme Chair, MA in Child, Family and Community Studies.



Paper women: The representation of female offenders in Irish newspapers  
(thesis submitted September 2009).

Lynsey is an intern with the Irish Penal Reform Trust.

### **Abstract**

Reductionistic definitions characterise many of the representations of women in our society. From superficial depictions of women as sex objects to the elevation of motherhood as a paragon of womanhood, women navigate myriad roles available to them exclusively because of their gender. Female offenders are potentially more vulnerable to such limitations of representation due to their relative invisibility. Society is largely unacquainted with the realities of circumstance for such women, who are therefore reliant upon media outlets to inform the public. The operation of this process in Ireland has not been the subject of extensive research, and the current study attempts to address this. Through a content analysis of the output of four newspapers over a one-month period, the representation of female offenders in Irish newspapers was found to be similarly reliant on familiar narratives. Female offenders were consistently represented in terms of their gender; the themes which emerged were broadly compatible with the various aspects of femininity as it is socially constructed and understood.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/1/>



What do young people think of the Gardaí? An examination of young people's attitudes toward and experiences of the Gardaí (thesis submitted September 2009).

Niamh works for Focus Ireland as an outreach worker.

### Abstract

National strategies point toward the importance of young people being consulted in relation to services and policies that affect them. Interest in the attitudes of young people to police has increased in recent decades yet this has not yet been explored in Ireland. This thesis examines the attitudes of a sample of young people in the Garda Dublin Metropolitan Region North to the Gardaí as well as their experiences of contacts with members of An Garda Síochána. This is done mainly through the quantitative research method of a survey. One hundred and three young people aged 15-19 in four different education centres in the Dublin Metropolitan Region North were surveyed. The survey was based on the Garda Public Attitudes Survey 2008, which was administered to approximately 10,000 adults. The survey was edited to make it more focused toward and friendlier to young people. The research found that the young people had a much lower satisfaction rate and a higher level of contact with the Gardaí than their adult counterparts. The contacts were mainly Garda-initiated and negative experiences for the young people. The young people also reported a high level of unacceptable behaviour by Gardaí mainly relating to being disrespectful or impolite, violence and stopping or searching without reason. The research showed that the young people involved had similar experiences to those found internationally and that they felt unfairly discriminated against. This may impact on the legitimacy of the Garda organisation in the eyes of the young people and therefore needs to be addressed. This can be done on a local level through increased non-adversarial contact between Gardaí and young people and through changes in Garda practices including a review of stops and searches and the necessity for them. Further research is also recommended nationally into the use of force and Garda violence towards young people and the attitudes of young people towards the Garda Síochána on a larger scale.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/7>





A decade of desistance: An exploratory study in desistance theory (thesis submitted September 2009).

Brendan is YEAH Project Coordinator, Canal Communities Regional Youth Service, and will commence a PhD at Queen's University Belfast later this year.

### **Abstract**

This research paper is a biographical study of the lived experience of five men who have sustained desistance from crime for over a decade. The aim of the research is to identify the causal process that allows for desistance from crime for such a significant period. Qualitative research methods were employed in this endeavour, with each participant interviewed using a semi-structured format. Furthermore the researchers' status as an 'insider' provided an added dimension to this process. Results confirmed the findings of existing desistance theory research as carried out by prominent criminologists, that is desisting ex-offenders need to find a way to give back to society, or the next generation, to sustain desistance. Accompanying this generative work is a change in the very identity of the desister that makes criminal activity unlikely. Moreover informal social controls enabled structured routine activities, accountability and indirect supervision to impact on these individuals' development. The paper concludes by discussing the finding that these men are engaged in the dual process of desistance from crime and recovery from addiction, and the causal process that sustains desistance also sustains recovery from addiction.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/5>



Does gender impact on career progression in An Garda Síochána? (thesis submitted September 2009).

Goretti is a Garda Sergeant.

### Abstract

Little is generally known about the factors affecting the managerial advancement of women in police forces internationally. There is a dearth of research on women and policing in the Garda Síochána. Women are 50 years in policing in Ireland and would appear to have been totally restricted in their progression up until the last decade. The principle aim of this study is concerned with exploring the research question 'Does Gender Impact on Career Progression in the Garda Síochána?' It concentrates solely on policewomen. A comprehensive analysis of national and international literature is summarised in a literature review. An extensive examination of 50 years of archived material in the Garda Museum relating to females in the Garda Síochána is carried out. The primary research method utilised to appraise the research question is a comprehensive survey of 173 senior policewomen in the Garda Síochána in which gender issues are addressed. The study concentrates on the population of all female sergeants, inspectors and superintendents (n=297). The thesis reports on the patterns of female representation in the Garda Síochána, the deployment and specialisation of policewomen, the perceived attitudes of policemen towards policewomen, discrimination against policewomen and external factors inhibiting policewomen's advancement. These issues are examined from a historical perspective and a contemporary perspective. The under-representation of policewomen in senior ranks was explored and charted to show they are wholly under-represented both laterally and horizontally throughout the organisation. The study has demonstrated that women have only made limited headway into strategic positions of power in the Garda Síochána, both in terms of gaining experience in specialist units and in terms of progression through the ranks. There is evidence to show that deployment patterns differ for men and women in ways that may disadvantage some women. Tentative evidence was proffered that the amount of sexual harassment and discrimination experienced by policewomen in the Garda Síochána is diminishing to some extent compared to that reported in international research. However, there are still a number of discriminatory factors which negatively affect the quality of some policewomen's work environment and career prospects. Further, gender-related career barriers, such as work-life balance, pose specific difficulties for some senior policewomen, particularly those with children. In summary, the data gathered during this study combine to affirm the research question that gender impacts on career progression in the Garda Síochána for some policewomen, but not all policewomen. This suggests that policewomen are experiencing greater gender equality in certain spheres of policing, and certain obstacles to their progression are being dismantled.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/4/>



Thornton Hall: A policy analysis. Uncaring or unthinking? (thesis submitted September 2009).

Louise works in sales at TG4.

### **Abstract**

Proposals for Thornton Hall - Ireland's first mega-prison (Andrew Coyle 2008) - have caused much unease amongst academics and advocacy groups alike. Despite the importance of this shift in direction for Irish penal policy, little is known about the drivers behind change or the factors influencing the rationale behind the development of a prison of this size. This thesis, utilising the methods of policy analysis as developed by Jones and Newburn (2005) appraises the official rationales and thinking behind Ireland's newest penal policy. The dissertation will specifically focus on the role of policy entrepreneurs, economic drivers, policy transfer and use of evidence in policy-making in the Irish context. Recognising the importance of investigating the policy process in tandem with broader socio-cultural changes, along with this assessment of the mechanics of policy-making, the thesis also analyses the extent to which changing political styles, such as growing punitivism, rhetoric, and symbolic policy making, have had a role in current Irish penal expansion. Finally, the thesis critically appraises the need for the creation of a large prison in Ireland with reference to international literature regarding the effects larger prisons have on prisoners. As such, the thesis assesses whether or not the justifications for Thornton Hall are supported by the weight of academic evidence. Therefore this thesis will contribute to the understanding of what drives current Irish penal policy, as it is the first such assessment of the Thornton Hall, and it employs a policy analysis which is underused in Irish criminology.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/8/>



Organised crime in Ireland: A policy analysis of the introduction of organised crime to the Irish statute book (thesis submitted September 2008).

Liz is a barrister.

### **Abstract**

This thesis is an examination of the policy process employed in the introduction of organised crime to the Irish Statute Book. Part 7 of the Criminal Justice Act 2006 creates, for the first time in Irish criminal law, specific organised crime offences. This thesis examines the different definitions of organised crime that have been proffered by various academics since the 1960s and highlights the difficulties that exist in coining an all-encompassing yet specific definition for the phenomenon. The methods by which Part 7 of the Criminal Justice Act 2006 became law are also scrutinised. The views of various interest groups are reviewed and the impact that those views have on the policy making process is evaluated.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/2>



That's life: An examination of the direct consequences of life-sentence imprisonment for adult males within the Irish prison system (thesis submitted September 2008).

Clara formerly worked with the Irish Probation Service.

### **Abstract**

Although Ireland compares relatively well in terms of international crime rates, there has been an increase in the number of prisoners serving life-sentences in the Republic. The current system for managing life-sentence prisoners in this jurisdiction is that they are likely to earn their temporary release after having served about fifteen years in prison. However, there is limited research in Ireland on the effects of imprisonment, and certainly for life-sentence prisoners, criminology in the Republic has failed to examine the issues faced by this group at all. Very little is understood about the coping mechanisms specific to life-sentence prisoners; the challenges they face in terms of their prison experience and resettlement. This paper focuses on the direct consequences of imprisonment – the psycho-sociological impact of time spent in prison and how this bears upon life-sentence prisoners' resettlement. These issues are tackled through examining available literature, both within Ireland and internationally and by interviewing life-sentence prisoners on temporary release in the community. The researcher has identified the issues faced by life-sentence prisoners within the prison walls; the varying coping methods employed; and resettlement experiences. It is found that although there are some common themes, the experiences of this group of prisoners can vary enormously. The study concludes that not enough is known about the challenges faced by life-sentence prisoners and considerably more research needs to be carried out.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/6/>





A study of anti-social behaviour on Dublin bus routes (thesis submitted September 2008).

Kevin is studying for a MSc in Forensic Psychology at Portsmouth University.

### **Abstract**

The area under investigation was the phenomenon of criminological behaviour occurring on Dublin Bus Routes. Research questions were based around: 1) what anti-social behaviour is occurring on buses, 2) when is this behaviour occurring, 3) who is perpetrating this behaviour and 4) how is anti-social behaviour on buses being tackled? Two problematic bus routes and one control route were selected based on geographic spread and the comparative ratio of criminal incidents involved (the 78A, 77 and the control case: 46A). A statistical analysis of existing information from Dublin Bus surrounding anti-social behaviour on these routes was conducted. The researcher then performed equivalent systematic observation over a period of three weeks on the proposed routes. This data was supplemented with four semi-structured interviews obtained from members of the Dublin Bus Zero-Tolerance Unit. The data garnered from the observation and the interviews was then cross-examined against the statistical analysis of existing data to see how comparable it was. The results showed a bias in the reporting of more serious crime with a lot of minor incidents never being recorded. The findings were used to inform academic recommendations for future research with regard to the nature of anti-social behaviour on buses and how it is policed. Practical solutions to effective management strategies in dealing with crime were also suggested.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/3/>



Risky business: An examination of probation officers' attitudes towards risk assessment (thesis submitted September 2008).

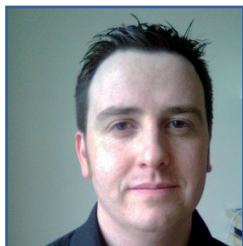
Michelle is a Probation Officer and is currently studying for a Masters in Social Work.

### **Abstract**

Over the past ten years, the concept of risk has moved to centre stage in criminological spheres. Risk assessment and the concern for effective management of offenders, while safeguarding public safety, has become a core issue for criminal justice agencies. This research focuses on risk assessment and probation practice in Ireland. In particular, the attitudes of practicing basic grade probation officers working on adult community teams in Dublin are examined to gain insight into the complexities experienced by probation officers. Specifically, the research aims to highlight the consequences of adopting standardised risk tools on probation practice.

The research discusses current theoretical arguments on the influence of risk in criminal justice and outlines the impact of risk discourse on probation practice in Ireland and elsewhere. Using a mix of qualitative and quantitative methods of data collection, probation officers' attitudes are examined and presented thematically in order to highlight key issues facing probation officers when making risk decisions. The findings identify positive and negative consequences of adopting risk tools and point to the continued salience of clinical judgement over actuarial methods of risk assessment. It is argued that due to a lack of information and inadequate training, probation officers are placed in positions of failure. It is suggested that in order to improve accountability and credibility of the probation service, defensible decisions regarding risk assessment are paramount.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/9/>



A march of moral panic: An examination of reaction to crime in Ireland in March 2006 (thesis submitted September 2007).

Robin works with Invesco, a fund management company.

### **Abstract**

Moral Panic is a concept that examines disproportionate reaction towards an event or persons. In March of 2006, several events occurred which provoked strong reactions from the media and from politicians. This thesis explores and examines those reactions, and will try to determine if a moral panic could be said to have occurred. This is accomplished through a qualitative reading of the reactions, by identifying themes running through the discourse on crime of the time in question, and by applying indicators of moral panic to the data. The study finds that though the reactions may not necessarily indicate moral panic, coverage of the event in both the political and media spheres proved unsatisfactory, and a recommendation of a need for moderation in future discourse on crime is suggested.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/12/>

Medical negligence and MRSA claims: Is the law of tort efficient enough? (thesis submitted September 2009).

Bridget is a Registered Nurse at UPMC Beacon Hospital in Sandyford.

### **Abstract**

In the last number of years, the Irish health service has come under major criticism. The emergence of hospital-acquired infections has sent the health sector into a state of disarray. The most common of these infections is Methicillin Resistant Staphylococcus Aureus, or "MRSA", which has now become a term of everyday language. By 1960, the United Kingdom (U.K.) discovered that methicillin could combat staphylococcus (staph) aureus infections. However by 1961, the staph aureus strain had evolved and created a new resistance to methicillin which became known as MRSA.

The law of medical negligence has devised its own rules to assess the legal consequences of medical difficulties. These Dunne principles, however, do not appear to be capable of assessing such MRSA claims through their association of the "general and approved practice" theories. This would lead us to ask - how would the Dunne principles apply to an MRSA claim?

There are numerous possible legal mechanisms for approaching new MRSA cases. These would include statutory breach under legislation such as the Safety, Health and Welfare at Work Act 2005, the Occupiers' Liability Act 1995 and under the Sale of Goods and Supply of Services Act 1980. However these statutory elements do not stand alone, as the issues of vicarious liability, the maxim of res ipsa loquitur and the complicated issue of causation can also be applied. Questions regarding the relaxation of the causation rules as was seen in the English mesothelioma cases must also be reviewed.

Although the issue of MRSA is an old one, the legal questions it poses are many and still need clarification by our Supreme Court. Therefore it must be asked if the law of Tort is efficient enough to provide justice and fairness in the medical negligence claims associated with MRSA.

Full thesis text is at: <http://arrow.dit.ie/aaschssldis/11/>



The significance of the implied mutual duty of trust and confidence in the employment relationship (thesis submitted in 2009).

Katie is a Solicitor with Martin Solicitors.

### **Abstract**

*Objectives:* 1. Trace the development of the implied duty in the both the Irish and English jurisdictions. 2. Analyse the types of behaviour which will fall foul of the obligation to maintain trust and confidence. 3. Ascertain the limits of the implied duty. 4. Assess the current judicial climate following the first Supreme Court decision on the duty. 5. Consider the implications of the implied duty on certain areas of employment law. 6. Determine the potential for further development of the implied duty.

*Methods:* Qualitative and Quantitative Research

*Conclusions:* 1. The implied obligation is critically important in relation to the interaction between the common law and statute and underpins all employment relationships. 2. The potential for damages by means of a claim of a breach of the implied duty has been and will continue to be restricted. 3. The judicial climate is in favour of avoiding setting too high a standard for employers. 4. A purely objective test fails to take account of the emotive nature of this area of law and contradicts the requirement to consider the parties' conduct as a whole. 5. The modern interpretation of the concept is that it is prescriptive and this narrowing has impacted on the requirements for interlocutory relief. 6. The developing law on bonus payments is being shaped by reference to the implied duty of trust and confidence. 7. The implied duty has the potential to determine the parameters of the law relating to workplace bullying. 8. A breach of the implied duty can be waived but a finding of such should necessarily require an employer to establish that an employee did so with 'actual knowledge' of his legal rights. 9. Existing inconsistencies in this area of law should be mitigated such that it will be possible to declare what the law relating to the implied duty is in forthright terms.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/10/>



Adverse possession (thesis submitted in 2009).

Kathleen is an Administrator with the Health Service Executive.

### **Abstract**

Adverse possession has been described as a “debilitating”<sup>1</sup> experience and acts as a “blunt instrument”<sup>2</sup> of necessary legislation in modern society. It is a device that ends litigation. Legislation for abolition would lead to greater societal difficulties. Statistically land theft is rare and given that ownership of property carries a duty an owner should be vigilant. One sentence on the property folio could alert an owner of the danger of inadequate fencing. Aspects of notification as in the *Land Registration Act 2002*<sup>3</sup> may be more desirable.

The area of compensation payable to the title holder would be unworkable and could lead to acrimonious disputes. However the value of land does not at present enter into squatter activity although it appears central to the dissenting judgments in *Pye*<sup>4</sup>. *Pye* needs to be seen in isolation as a very unusual case. Adverse possession of company land in Ireland is not an issue according to the PRAI.

The Statute of Limitations 1957 operates fairly in protecting land ownership. Although land purchased from the public purse should carry the longer recovery period of thirty years, the timeframe of twelve years is adequate in relation to private property. The timing of activity on the ground can be assisted by photographs from the OSI<sup>5</sup>. The Constitution adequately protects private property and better access to justice could be achieved if court costs were tax deductible for individuals as they are for companies. In summary the survey analysis concluded that squatter behaviour is repetitive if left unaddressed. The lack of professionalism amongst those involved in land measurement needs resolution. Suggestions in relation to the use of GPS satellite maps in the *Green Paper Proposing Reform of Boundary Surveys* could lead to confusion and in the wrong hands further land theft. A better proposition would be to utilise the OSI mapping that dates back to the early 19th century combined with a moderate archaeological survey.

Overall the doctrine of adverse possession is an essential mechanism acting to stabilise title and has traditionally worked well although sometimes unfairly.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/18/>

<sup>1</sup> Charleton, Denise. Smithfield, Dublin, April 2007. RTE News Bulletin following settlement of the Charleton/Kenny case

<sup>2</sup> McDermott, quoted in Holland, Kitty, “Whose land is it anyway?,” The Irish Times, 16th June 2007.

<sup>3</sup> Land Registration Act 2002.

<sup>4</sup> *JA Pye(Oxford) Ltd v. United Kingdom* [ECtHR no.44302/2, Grand Chamber August 30, 2007.]

<sup>5</sup> Ordinance Survey Ireland, Phoenix Park, Dublin.



Confidential sources and contempt of court: An argument for change (thesis submitted in 2009).

Angel is a journalist and is currently a legal researcher/assistant at the Irish Traveller Movement.

### **Abstract**

This thesis seeks to examine the law on contempt of court as it pertains to journalists' refusal to give evidence that would reveal the identity of their confidential sources of information. It argues that current law in this jurisdiction does not go far enough to protect journalists' sources and, consequently, press freedom. It contends that despite the introduction of a statutory provision in the UK to provide qualified immunity from contempt charges for journalists who refuse to reveal their sources, the law is not sufficiently clear to allow journalists to grant confidentiality without fear of prosecution. This thesis found that the law governing contempt of court and revelation of sources in the UK is stacked in favour of quantifiable interests, such as the threat to businesses posed by leaked information, rather than safeguarding press freedom.

This thesis examines the law on journalists' sources in the US and Sweden, highlighting the greater weight given to protecting anonymous sources in these jurisdictions. It then argues for the introduction of restrictions on the use of anonymous sources and unattributed information based on recent libel actions taken following inaccurate and baseless newspaper allegations. It found a correlation between the use of unattributed information and libellous material, citing the recent McCann abduction case as an example. It also found a link between commercial pressure and the trend towards using anonymous sources.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/17/>



Statutory restrictions on initiating judicial review proceedings in the asylum context (thesis submitted in 2008).

Éamonn is an Executive Officer in the Department of Justice, Equality and Law Reform.

### **Abstract**

This thesis outlines and critically analyses the statutory time limits that apply to non-EEA nationals initiating judicial review proceedings challenging decisions relating to asylum and immigration. It seeks, in particular, to establish whether the correct balance has been struck between the protection of non-EEA nationals' rights (and, in particular, the right of access to the courts) with the policy objectives of the State relating to the speedy processing of judicial review applications. Notably, the time limits imposed in this context are more onerous than those imposed on an applicant under Ord. 84 of the Rules of the Superior Courts 1986. Drawing on relevant legislation, case law, international instruments and relevant commentaries, as well as the proposed Immigration, Protection and Residence Bill, this thesis seeks to determine whether the current and proposed statutory time limits adequately balance the constitutional right of access to the courts with the State's interest in timely and efficient asylum and immigration outcomes.

Full thesis text is at: <http://arrow.dit.ie/aaschsslsdit/15/>



The constitutional protection of children in Ireland: An analysis of the status quo and proposals for reform (thesis submitted in 2008).

Oliver is a Trainee Solicitor, Orpen Franks Solicitors

### **Abstract**

This thesis presents a detailed analysis of child welfare and protection under the Irish Constitution and offers a reasoned argument as to the need for legal reform of this politically provocative area of law. It focuses, in particular, on international academic research as a basis for considering reform, making reference to various model approaches contained within that literature. The thesis begins by analysing the current state of Irish constitutional law as it relates to children's welfare and protection, examining the philosophy and ethos that informed this constitutional approach. The author then proceeds to outline and assess several potential alternative models that may inform reform in this arena. This exercise leads to the conclusion that children are not adequately provided for under the current constitutional order. This situation is caused by the imposition of an inappropriate and anachronistic philosophy that prioritises parental rights at the expense of the rights of the child. The author argues, nonetheless, that effective reform may prove more difficult than some commentators suggest. Some reforms may, indeed, have no effect or may worsen an already fraught situation. It is thus argued that an appropriate model for reform should draw from a series of models, combining the strength of a range of such models for reform.

Full thesis text at: Library, DIT Aungier Street, Dublin 2.



Children as victims, children as clients: Towards a framework of best practice in services for children who experience domestic violence (thesis submitted September 2009).

### **Abstract**

Historically, the core focus of domestic violence services in Ireland and elsewhere has been to support and empower women. Children's needs have been seen as secondary to their mothers', although services have generally provided opportunities for play and recreation. An increasing recognition of the direct effects of family violence on children and a growing trend in child and family provision towards monitoring progress and identifying outcomes has created a necessity for services working with children who experience domestic violence to examine and appraise the nature and scope of their work.

Within this context, this study describes existing provision for children by domestic violence services, most of whom are operating as refuges and some of whom are also engaging in outreach work in the community. A survey questionnaire was employed to capture data on the key aspects of this provision and findings are discussed in terms of what emerges from the literature as recommended models and approaches. To promote cohesion in work with children across the domestic violence sector and to support the development of good practice, this study ultimately offers a recommended framework comprising the key elements of assessment, intervention and evaluation, which underpin quality provision for children who experience domestic violence.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/13/>





Art therapy and drama therapy in the primary school (submitted in September 2009).

Noelle is a primary school teacher.

### **Abstract**

The research study carried out an open investigation into the use of art therapy and drama therapy with children in the primary school with emotional, social and/or behavioural difficulties. A qualitative method of semi-structured interviews was used among a sample of six professionals working with children in various primary schools. The sample included mainstream teachers, learning support teachers, therapists and counselors. Overall, the research found that the low rate of stigmatization found in relation to therapy in school and the accompanying advantages for children, parents and school personnel present a positive case for the implementation of art therapy and/or drama therapy in the primary school setting. However, the research also discovered some issues associated with the practice of these therapies in the primary school, including the age of the children partaking in therapy and the funding of therapists.

Full thesis text at: Library, DIT 40-45 Mountjoy Square, Dublin 1.



An exploration of managers' practices in, and attitudes towards, staff vetting in children's residential centres (thesis submitted September 2009).

Catherine is an Inspector, Registration and Inspection Services, HSE.

### **Abstract**

The aim of this study is to explore the practices of centre managers in vetting staff for employment in residential child care. The study also aims to explore the attitudes of these managers towards current vetting requirements. The study examined practices and attitudes of managers of children's residential centres within the non-statutory sector only but on a national basis. The methodology utilized in this study is a combination of quantitative and qualitative research methods. Eight semi-structured interviews were conducted and the data was subsequently analysed in order to develop a questionnaire. On development, sixty-nine anonymous self completion questionnaires were distributed on a national basis, following which the data collected was analysed. It can be concluded from the review of the literature and an analysis of the findings that vetting staff is a safeguarding measure for children and young people in residential care. Centre managers indicated that it is a necessary and worthwhile process however cautioned that it is not a stand-alone safeguarding measure and should be part of an overall system that aims to protect vulnerable young people. Managers pointed out that the process of vetting does not always give sufficient information on prospective employees and suggested that the inclusion of 'soft information' would be of benefit in providing an additional safeguard.

There are some aspects of the vetting process which could be improved upon and these are referred to in the recommendations section of the conclusion of this study.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/16/>

Migrant-led organisations and their communities: Participation (thesis submitted in 2009).

**Abstract**

The purpose of this study is to examine the processes of participation of migrant-led organisations and migrant communities in the Irish 'intercultural' sector, and also the broader third sector. The rationale behind this research is to gain an understanding of the types and levels of participation in order to ascertain if inequities exist between the involvement of migrant communities and indigenous Irish people. Participation is assessed in relation to the emergence of barriers to participation, and how involvement is supported and facilitated by the organisations and the intercultural sector in general. This qualitative research utilises a critical ethnography, which integrates aspects of ethnography and critical enquiry in order to identify relationships between power and culture. The conclusions of this report have determined that inequalities exist for migrant-led organisations and communities in terms of their ability to participate in the sector and in the broader third sector. The issues that arose include; funding issues, disparate levels of influence between Irish NGOs and migrant-led organisations, formal participation in networks, a lack of informal connections with indigenous Irish people in government and civil society, and localised conceptions of community. Problems with perceptions and trust permeated these issues. This report recommends a recognition by Pobail of 'culture as community', the implementation of the funding recommendations made by the Fitzpatrick Report, the participation of intercultural organisations on funding advisory committees and greater support from funding bodies with application processes.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/14/>



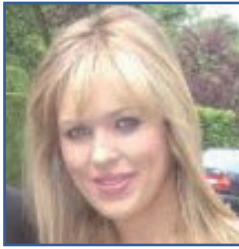
An exploration of continuing professional development for early years workers with FETAC level 5 and 6 qualifications (thesis submitted 2008).

Jean Kelly works as an ECCE Quality Childcare Development Officer with Roscommon County Childcare Committee.

### **Abstract**

The research discussed in this paper explores Continuing Professional Development (CPD) for early years workers with Further Education and Training Awards Council (FETAC) level 5 and 6 qualifications. Applying Bronfenbrenner's ecological systems theory as a framework the views of childcare workers, managers and other stakeholders are examined. As well as searching the literature, a mixed methods research design was implemented to achieve the above aims. Interviews were conducted and questionnaires utilized. Findings from this study provided insights into individuals' views of the importance and benefits of CPD in the early childcare care and education sector. Furthermore, they highlighted an enormous sense of support at local and national level for early years workers to participate in ongoing training. Nevertheless, findings also brought to light the many obstacles that this cohort of childcare practitioners currently faces regarding accessing CPD. This study concluded that individuals and organizations within different environments set out in Bronfenbrenner's ecological systems theory, recognize that CPD is beneficial not only for the early years workers, but for children, parents, the preschool service and the wider community. Despite the huge efforts made to support practitioners to participate in CPD, this project acknowledged that the lack of value placed on early childhood care and education appears to run deeper than other obstacles, such as funding and access issues. This project found that the merit placed on the ECCE sector from the government, filters down through society, with the potential of enhancing or diminishing recognition of the sector. Finally, this project concluded that further research is needed to capture the views of other professional groups within the early years sector concerning CPD. Additionally, this study suggested that statutory pre-service training is introduced and practitioners are made aware of the existence of a credit system for participation in CPD. Furthermore, it is suggested that further Associations of Childcare Professionals are set up so that issues concerning early years workers are addressed locally and nationally.

Full thesis text available at Library, DIT 40-45 Mountjoy Square, Dublin 1.



Adaptation to college and individuation-attachment: a review of first year students in contemporary Ireland (thesis submitted September 2008).

Sarah is a Sales Coordinator for VMware; Officer of Statistics (position commencing September 2010).

### **Abstract**

The substantive aim of this study was to examine the adaptation of young-adult's to college life in Ireland today. The study also assessed the participant's levels of individuation-attachment and its consequences for college adjustment. A number of personal variables were examined in relation to both the participants' college adjustment and individuation-attachment, with gender being of significant interest. Data were collected from a sample of 125 (78 females and 47 males) first-year college students attending a number of Dublin based institutions. Participants' completed quantitative measures of college adjustment and individuation-attachment. Findings indicated that overall student adjustment was positive, with levels of individuation-attachment having little effect on college adjustment. There was no significant relationship between the predictor variables and college adjustment. Nevertheless, females reported significantly lower levels of 'Fear of Attachment' than their male counterparts. Interpretations of these results, their congruence within the context of the theoretical frameworks, and practical implications are discussed.

Full thesis text at: Library, DIT 40-45 Mountjoy Square, Dublin 1.





An evaluation of the role of Senior Traveller Training Centres (thesis submitted September 2008).

Maureen is a Service Operational Worker with Dublin Simon Community.

### **Abstract**

The study evaluates the role of the Senior Traveller Training Centres regarding further education. The centres provide basic compensatory education for Travellers aged 18 upwards. The aim of the centres is to provide Travellers with the knowledge, skills and attitudes required to successfully make the transition to work and adult life. It examines the rationale for the centres, the management structure, why people decide to go to the centres, and the curriculum.

The study also highlights the difficulties the Traveller community has faced in the past and is still facing today in terms of equality of outcomes in education. Travellers are seen as being different in terms of their culture, lifestyle, traditions and value systems. This has had a profound negative effect regarding their progress and development in education compared to the settled population. Entwined in Traveller culture and values is the gender issue which creates different roles for men and women within the community itself.

The research involved interviewing Directors and students from the centres and representatives from Pavee Point, the Irish Traveller Movement, the National Co-ordinator for the Training Centres and a secondary school teacher. I gained a valuable insight into how the centres are run on the ground and how the students see them. There were varying opinions from all the participants on the centres, both positive and negative.

The findings uncovered contrasting opinions on the centres. The students were very positive about their participation. They felt they were enhancing their education and as Traveller women were more confident, independent and had more self-belief. The Directors were very passionate about the centres. The work they did on the ground never came to light in any reports or statistics. They had to make the best of the resources they had.

However, representatives from Traveller organisations claimed that the centres were detrimental to Travellers progress in further education. The management structure was contested due to the fact that there are no Traveller Directors after 34 years. The centres were also criticised regarding the allowance that students are paid. This is seen as drawing people into the centres.

In conclusion, the centres are a valuable outlet for the Traveller community. They provide courses to facilitate the progress of Travellers onto further education and employment. The research highlights a need for the re-structuring of the centres based on the Community Education model, while still maintaining the ethos of the development and maintenance of Traveller culture, traditions, personal development and foundation education such as literacy and numeracy skills.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/>



“Cervical Screening”: A study on the prevalence of the risk-factors for developing cervical cancer among young women (thesis submitted September 2008).

Jennifer is a social care worker and a member of the Research Forum at St. Michael's House.

### Abstract

This study had three aims: to determine the prevalence of the risk-factors for contracting HPV (the Human Papillomavirus) and developing cervical cancer among young women; to establish if there are any links between the presence of these risk-factors, attendance for cervical screening and abnormal cervical screening results; and to ascertain the key barriers to the prevention of cervical cancer. The risk-factors were identified from literature as being sexually active at a young age, having increasing numbers of sexual partners for females and their partners, having had a sexually transmitted infection/disease (STI), smoking and long-term use of the oral contraceptive pill. The research was conducted through a quantitative, self-completion internet survey, completed by 242 women aged 18-24 attending a third-level institute and analysed using SPSS (the Statistical Package for Social Sciences). The findings showed that the prevalence of the sexual behaviour risk-factors tended to occur concurrently; being sexually active before age 17 was linked to increasing numbers of sexual partners and the occurrence of STIs. The findings also showed that approximately one-quarter of participants had attended for cervical screening, of which, over one-third reported abnormal results. Additionally, the findings demonstrated that the presence of the abovementioned sexual behaviour risk-factors tended to increase the likelihood of cervical screening attendance and receiving an abnormal result. The key barriers to the prevention of cervical cancer were identified as a lack of knowledge about the primary and secondary prevention of cervical cancer: HPV and cervical screening respectively. The present study recommended that firstly, as the prevalence of the risk-factors appear to be increasing, cervical screening should be initiated from age 20 onwards, on the basis of the presence of the risk-factors, rather than being age-standardised at 25, and secondly, greater education and communication on the primary and secondary prevention of cervical cancer should be disseminated to adolescents and young people.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/>

Síolta: The national quality framework for early childhood education: A teachers' perspective (thesis submitted September 2009).

Sandra is a Síolta Coordinator, Northside partnership, Darndale.

### **Abstract**

This paper explores the perspectives of teachers and principals from Junior National Schools (JNS) in relation to Síolta, the National Quality Framework for Early Childhood Education. More specifically, the study addresses the following research questions: Why teachers and senior management choose to implement/ not implement Síolta in their school? What barriers are stopping teachers from engaging with Síolta? Do opinions regarding Síolta differ depending on the type of training an infant class teacher has received? Is the reaction to Síolta displayed by teachers in the pilot programme a trend that we can expect to continue as Síolta is rolled out nationally?

This study was undertaken following the pilot launch of the Síolta Quality Assurance Process (QAP). The Síolta QAP began in September 2008 and to date, not one infant class has been registered. The process supports teachers to reflect on their practice in relation to sixteen 'quality' standards with the aim of recognising and reinforcing measures of excellence in infant class provision.

A combination of focus groups and semi-structured interviews were carried out with teachers and principals exploring and teasing out perspectives and thoughts regarding the Síolta Framework.

A number of key issues emerged from the research. Three dominant barriers to Síolta were identified; structural barriers (lack of time, play equipment and materials, lack of space), dynamic issues (relationships between the pre-school and primary school sectors) and personal experience or opinions. Furthermore the results suggested that the educational background of the teacher does impact the teacher's perception of both Síolta and its perceived usefulness in a primary school setting. The researcher recommended that Síolta be publicised in the primary school sector, that Síolta be linked to DEIS school plans and for the QAP to be promoted as a necessary and helpful tool in school evaluation and improving standards of excellence in education before rolling out the programme in any other area.

Full thesis text at: <http://arrow.dit.ie/aaschssldis/>



